

REMARKS

Claims 30-31 and 81-82 have been amended in accordance with the Examiner's suggestion to rewrite the claims in independent form. Applicants respectfully submit that the claims as amended are now in condition for allowance. Claims 32-33, 37-40, 42-43, 46-47, 51, 56-57, 69-73 and 79 have been amended to depend from claim 30. New claims 84-102 have been added, which depend from claim 31. Claims 1-29, 34-36, 41, 44-45, 48-50, 52-55, 58-68, 74-78, 80 and 83 have been cancelled without prejudice. Applicants reserve the right to file divisional or continuation applications on the cancelled subject matter. Support for the amendments can be found throughout the specification. No new matter has been added. Claims 30-33, 37-40, 42-43, 46-47, 51, 56-57, 69-73, 79, 81-82, 84-102 are pending.

Previously Withdrawn Claims

Previously withdrawn claims 32-33, 37-40, 42-43, 46-47, and 51 have been amended to depend from an elected species (Claim 30). If a withdrawn claim is currently amended, *i.e.* when the applicant wishes to amend the claim in an effort to rejoin the withdrawn claim with the elected invention, its status may be identified as "withdrawn-currently amended." 37 C.F.R. § 1.121(c). Applicants respectfully request that the claims be rejoined and submit that the rejoined claims are in condition for allowance.

Non-Final Action - Final Rejection Premature

Applicants respectfully submit that while the Examiner properly indicated that the Office Action was **nonfinal** in the Office Action Summary, the Office Action was improperly indicated as "final" on page 13 of the Office Action. Applicants believe this was a typographical error and respectfully request an express withdrawal of the finality of the rejection.¹

¹ The Office Action of March 2, 2006 was a first Office Action after the RCE filed on February 2, 2006.

Objections

Claims 30-31, and 81-82 were objected to as being dependent upon a rejected base claim (see page 13 of the Office Action). However, the Examiner indicated that claims 30-31 and 81-82 would be allowable if rewritten in independent form, including limitations of the base claim and any intervening claims (see page 13 of Office Action). Claims 30-31 and 81-82 have been amended to comply with the Examiner's suggestions. Applicants respectfully submit that the pending claims are now in condition for allowance and request withdrawal of this objection.

Rejections

Claims 5 and 72 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (see page 12 of the Office Action).

Claims 1-2, 4, 6-8, 10-12, 15-21, 56-57 and 83 were rejected under 35 U.S.C. § 103(a) over Lin et al. U.S. Patent 6,420,451, as evidenced by Sartomer Application Bulletin and Sartomer (Low Toxicity...) and Sartomer Technical Data Sheet: CN962 and Sartomer Technical Data Sheet: CN 964 (see page 4 of the Office Action).

Claims 68-69, 71-76, and 78-79 were rejected under 35 U.S.C. § 103(a) over Ojeda et al. U.S. Patent 6,326,072 (see page 5 of the Office Action).

Claims 1-2, 4-10, 18-21, 27-28, 68-69, 71-76, 78 and 80 were rejected under 35 U.S.C. § 102(b) as being anticipated by Abel et al. WO 01/98817 A2, as evidenced by Fitz Chem Corp (PRIPLAST polyester polyols derived from dimerized fatty acids) and Priplast tm 34192 and OSHA (see page 8 of the Office Action).

Claims 1-10, 18-21, 26-28, 68-76, 78-79 and 80 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Abel et al. WO 01/98817 A2 as evidenced by Fitz Chem Corp (PRIPLAST polyester polyols derived from dimerized fatty acids) and Priplast tm 34192 and OSHA, in further view of Baudin et al. WO 02/48202 A1 (see page 11 of the Office Action).

Claims 1-2, 4-6, 10, 18-21, 23-24, 26 and 56-57 were rejected under 35 U.S.C. § 103(a) over Yamazaki et al. EP 0 874 012 A1 (see page 12 of the Office Action).

Claims 1-2, 4, 6, 10, and 18021 were rejected under 35 U.S.C. § 102(b) as being anticipated by Morris et al. EP 0 745 570 A2 (see page 13 of the Office Action).

Applicants continue to disagree with these grounds of rejection. Nevertheless, in the interest of expediting prosecution, Applicants have cancelled claims 1-29, 34-36, 41, 44-45, 48-50, 52-55, 58-68, 74-78, 80 and 83 without prejudice. In addition, claims 32-33, 37-40, 42-43, 46-47, 51, 56-57, 69-73 and 79 have been amended to depend from claim 30, which has been deemed allowable (see page 13 of the Office Action). Thus, Applicants respectfully submit that the claims now pending are in condition for allowance and request that the rejections under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

New Claims

New claims 84-102 have been added. Claims 84-102 depend from claim 31, which has been deemed allowable (see page 13 of the Office Action). The subject matter of claims 84-102 is commensurate the subject matter of claims 32-33, 37-40, 42-43, 46-47, 51, 56-57, 69-73 and 79. Accordingly, claim 31 and the claims that depend therefrom are patentable over the references of record. Applicants respectfully submit that claims 84-102 are in condition for allowance.

CONCLUSION

Applicants respectfully submit that all requirements of patentability are met in the pending claims. Allowance of the claims is thereby respectfully solicited. Please apply any deposits or credits to Deposit Account No. 19-4293 (Charge No. 14974.0002).

Respectfully submitted,

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